

**IN THE UNITED STATES DISTRICT COURT,  
SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

<b>BRANCH BANKING AND TRUST COMPANY</b>	:	Case No. 14 CV 1774
	:	
<b>Plaintiff</b>	:	<b>Judge Gregory L. Frost</b>
	:	
	:	<b>Magistrate Judge Elizabeth P. Deavers</b>
	:	
<b>v.</b>	:	
	:	
<b>B.K. MINING &amp; CONSTRUCTION, LLC, et al.</b>	:	
	:	
<b>Defendants.</b>	:	

**ORDER GRANTING MOTION FOR DEFAULT JUDGMENT  
AND DIRECTING CLERK TO ENTER DEFAULT JUDGMENT AGAINST B.K.  
MINING & CONSTRUCTION, LLC**

On October 1, 2014, the Plaintiff, Branch Banking and Trust Company, filed a complaint against the Defendant, B.K. Mining & Construction, LLC, requesting that this Court: award damages in the amount of \$1,242,574.01 for the amounts due and owing under Notes 1, 2, 3, and 6 plus contractual pre-judgment and post-judgment interest in the amount of the Plaintiff's prime rate plus five percent (5%) per annum. *See, ECF No. 1-3, 1-4, 1-5, 1-6* (copies of Notes 1, 2, 3, and 6). On October 1, 2014, a summons was issued to Defendant B.K. Mining & Construction stating that if it failed to respond, judgment by default would be entered against it for the relief demanded in the Complaint. The summons was returned executed as to the Defendant on October 13, 2014. *See, ECF No. 11.*

On January 9, 2015, the Plaintiff filed a motion for default asserting that Defendant B.K. Mining & Construction, LLC, has failed to plead or otherwise defend as required by the Federal Rules of Civil Procedure. Plaintiff's counsel attached an affidavit in support of the motion, which is sufficient to permit the entry of a default. Accordingly, the Clerk of Court entered default pursuant to Federal Rule of Civil Procedure 55(a).

On March 9, 2015, the Plaintiff filed a motion for default judgment along with an Affidavit of William Halpern, a member of the Plaintiff's commercial asset resolution team. The Plaintiff indicates in its motion that it is seeking a sum certain in default, \$1,242,574.01 and post-judgment interest thereon as allowed by statute. Based on the Plaintiff's Motion for Default Judgment, this Court finds that a hearing does not need to be conducted pursuant to Federal Rule of Civil Procedure 55(b)(2). As such, it is hereby ORDERED that the Plaintiff is entitled to an award of damages in the amount of \$1,242,574.01 for the amounts due and owing under Notes 1, 2, 3, and 6 plus post-judgment interest thereon as allowed by statute. The Clerk of Court is therefore DIRECTED to enter judgment under Federal Rules of Civil Procedure 55 and 58.

IT IS SO ORDERED.

The Clerk is directed to transmit a copy of this Order to counsel of record herein. This Court notes that to date no counsel has entered an appearance on behalf of the Defendant B.K. Mining & Construction, LLC. Accordingly, the Clerk is directed to transmit a copy of this Order to counsel of record herein and to the Defendant, Bruce A. Balcar, 101 Circle Drive, St. Clairsville, OH 43950.

DATED: March 10, 2015

/s/ GREGORY L. FROST  
JUDGE GREGORY L. FROST